

Assembly Bill No. 384

Passed the Assembly July 14, 2011

Chief Clerk of the Assembly

Passed the Senate July 11, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 4659 to the Public Resources Code, relating to state forest land.

LEGISLATIVE COUNSEL'S DIGEST

AB 384, Chesbro. State forest land: Jackson Demonstration State Forest.

Existing law authorizes the Department of Forestry and Fire Protection to engage in the management, protection, and reforestation of state forests and requires the Department of Parks and Recreation to have control of the state park system.

This bill would authorize the Director of General Services, subject to the approval of the Department of Forestry and Fire Protection, to grant an option to the City of Fort Bragg and the County of Mendocino for either entity to acquire title to certain property for the purpose of developing a solid waste transfer station. The bill would require, if this option is exercised, that the entity acquiring title to the property execute and record in favor of the Department of Parks and Recreation a covenant restricting the uses and activities at a specified Caspar Landfill property and an option to purchase a specified portion of the Caspar Landfill property. The bill would authorize the Department of Forestry and Fire Protection and the Department of Parks and Recreation to be compensated for the loss of certain property, as provided.

The bill would also authorize the Department of Parks and Recreation, with the approval of the Director of General Services, to transfer a certain portion of Russian Gulch State Park to the Department of Forestry and Fire Protection, to be included as a part of the Jackson Demonstration State Forest, if the City of Fort Bragg or the County of Mendocino exercises that option.

The bill would provide that if successful development and operation of a solid waste transfer station does not occur 10 years from the date of recordation of the transfer document, the title to the property would revert back to the Department of Forestry and Fire Protection and the entity acquiring title would be required to reimburse the state for the administrative costs incurred by the state to process the reversionary documents.

The bill would also require the city or county to indemnify the state against liability that arises from any injury caused by, or any remediation required by, any contamination on the landfill. The bill would require the Department of Parks and Recreation to authorize access to the landfill property to the county in order for the county to perform monitoring, as specified.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The City of Fort Bragg and the County of Mendocino seek to improve solid waste management in the greater Fort Bragg area by developing a commercial transfer station capable of efficiently managing all solid waste generated in the vicinity.

(b) Following a comprehensive siting study, a potential site of up to 17 acres was identified for a transfer station located within a portion of the Jackson Demonstration State Forest, on its northern boundary.

(c) The State Board of Forestry and Fire Protection adopted a resolution on April 7, 2010, that stated that transfer of this site to the city or county would not cause significant adverse programmatic impacts to the Jackson Demonstration State Forest.

(d) The Department of Forestry and Fire Protection, on behalf of the state, may be compensated for loss of the up to 17-acre site by transfer from the Department of Parks and Recreation, on behalf of the state of 12.6 acres in Russian Gulch State Park, which is separated from the remainder of the state park by a county road.

(e) The Department of Parks and Recreation, on behalf of the state, may be compensated, in turn, for loss of the 12.6 acres in Russian Gulch State Park specified in subdivision (d) by the grant of a restrictive covenant on 60 acres of city and county property on the north boundary of the state park, which is currently a closed landfill and small volume transfer station, whose continued operation causes undesirable impacts on the state park, and by an option to buy 35 acres of the city and county property.

(f) The interests and welfare of the state will be advanced by granting an option to the city and the county to take title to the Jackson Demonstration State Forest site, subject to the additional terms described in subdivisions (d) and (e), if the city and the

county complete a site selection process and environmental review that finds that this site shall be the selected alternative.

SEC. 2. Section 4659 is added to the Public Resources Code, to read:

4659. (a) For purpose of this section, the following definitions shall apply:

(1) “City” means the City of Fort Bragg.

(2) “County” means the County of Mendocino.

(3) “Entity acquiring title” means either the city or the county, whichever exercises the option specified in subdivision (c) to take title to the property.

(4) “Property” means the certain real property described as the easterly 17 acres, more or less, of that portion of Mendocino County Assessor’s Parcel Number 019-150-05 which is north of State Highway 20, located in a portion of the Jackson Demonstration State Forest.

(5) “Solid waste transfer station” has the same meaning as transfer station, as defined in Section 40200.

(b) Notwithstanding any other law, the Director of General Services, subject to the approval of the Department of Forestry and Fire Protection, may grant an option to the city or to the county, for either entity to acquire title to the property for the purpose of developing a solid waste transfer station.

(c) The option agreement shall have a term of five years, from the date of execution, for the city or county to exercise the option and take title to the site.

(d) Following the transfer of title, the entity acquiring title shall complete the development of, and open, a solid waste transfer station no later than 10 years from the date of recordation of the transfer document or the title to the property shall revert back to the Department of Forestry and Fire Protection and the entity shall reimburse the state for the administrative costs incurred by the state to process the reversionary documents.

(e) If the entity acquiring title to the property is successful in opening a solid waste transfer station on the site, all delivery and acceptance of solid waste shall cease at the existing Caspar Landfill property, also known as Mendocino County Assessor’s Parcel Numbers 118-500-10 and 118-500-11.

(f) The Department of Forestry and Fire Protection, on behalf of the state, may be compensated for loss of up to 17 acres of the

Jackson Demonstration State Forest by transfer from the Department of Parks and Recreation, on behalf of the state, of 12.6 acres in Russian Gulch State Park, which is separated from the remainder of the state park by a county road.

(g) The Department of Parks and Recreation, on behalf of the state, may be compensated, in turn, for loss of the 12.6 acres in Russian Gulch State Park specified in subdivision (f) by the grant of a restrictive covenant on 60 acres of city and county property on the northern boundary of the state park, which is currently a closed landfill and small volume transfer station, and by an option to buy 35 acres of the city and county property.

(h) If the city or county exercises the option to take title to the property pursuant to this section, the Department of Parks and Recreation, with the approval of the Director of General Services, may transfer to the Department of Forestry and Fire Protection jurisdiction over that portion of Russian Gulch State Park northeast of Mendocino County Road 409, being 12.6 acres, more or less, and being a portion of Mendocino County Assessor's Parcel Number 118-520-02, to be included as a part of the Jackson Demonstration State Forest under the direction of the Department of Forestry and Fire Protection.

(i) If the option to acquire the property is exercised, the entity acquiring title to the property shall execute and record in favor of the Department of Parks and Recreation both of the following:

(1) A covenant restricting the uses and activities at the Caspar Landfill property to prevent any significant nuisance impacts on Russian Gulch State Park. The form of this restrictive covenant shall be approved, prior to recordation, by the Department of Parks and Recreation.

(2) An option with a term of 99 years and a price of one dollar (\$1) to purchase the westernmost 35 acres of the Caspar Landfill property, described in subdivision (e), with road access to that property.

(j) The entity acquiring title to the property shall reimburse the state for the difference in the appraised value of the assets that are to be exchanged, if the state is found to be receiving less value, and for reasonable administrative costs incurred to complete the transfer of title.

(k) The entity acquiring title of the property shall be solely responsible for compliance with the California Environmental

Quality Act (Division 13 (commencing with Section 21000) in connection with the transfer of property ownership and development of the solid waste transfer station.

(l) The exchange of lands carried out pursuant to this section shall be based on current fair market value and subject to the terms and conditions, and with the reservations, restrictions, and exceptions that the Director of General Services determines are in the best interests of the state, including the condition that the exchange shall result in no net cost or loss to the state.

(m) (1) If the state exercises the option to purchase the westernmost 35 acres of the Caspar Landfill property, pursuant to paragraph (2) of subdivision (i), the city or county shall indemnify the state against any liability that arises from any injury caused by, or any remediation required by, any contamination on the Caspar Landfill property that is transferred to the state.

(2) The Department of Parks and Recreation shall authorize access to the property described in paragraph (1) to the county in order for the county to perform monitoring, including monitoring of groundwater to ensure that there is no leakage or contamination from the landfill.

Approved _____, 2011

Governor